

SENATE BILL 888

By Atchley

AN ACT to amend Tennessee Code Annotated, Title 41, relative to correctional institutions and inmates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 41, is amended by adding the following language as a new chapter:

Section 41-26-101.

No private entity shall house an out-of-state detainee or sentenced prisoner in a jail, prison or correctional facility in Tennessee if such detainee or prisoner would be classified as maximum security under the Tennessee department of correction's state classification standards.

Section 41-26-102.

As used in this chapter, unless the context otherwise requires:

(1) "Out-of-state detainees or sentenced prisoners" means any prisoner detained or sentenced under the sovereign authority and statutory provisions of a jurisdiction or state other than Tennessee, but such prisoner is confined in Tennessee by a private entity. "Out-of-state detainees or sentenced prisoners" do not include:

(A) Prisoners in transit or being held by the United States Immigration and Naturalization Service, the United States Marshal Service, the United States Drug Enforcement Agency, the Federal Bureau of Prisons; or

(B) Prisoners who are in transit and spend less than twenty-four (24) hours of confinement in a facility in Tennessee;

(2) "Private entity" means any private prison or jail management contractor or not-for-profit prison or jail management authority or entity;

(3) "Department" means the Tennessee department of correction;

(4) "Commissioner" means the commissioner of correction;

(5) "Select oversight committee on corrections" means the committee for oversight of the state's corrections system, created pursuant to § 3-15-101; and

(9) "Contractor" means a private entity that contracts with an out-of-state jurisdiction to house out-of-state detainees or sentenced prisoners in a jail, prison, or correctional facility located in Tennessee. In the event that a public entity subcontracts with a private entity to manage and operate a correctional facility, the private entity shall be considered the contractor for the purpose of this chapter.

#### Section 41-26-103.

The commissioner of correction shall monitor the provisions of this act and may present a status report and any findings to the select oversight committee on corrections.

#### Section 41-26-104.

If an out-of-state detainee or sentenced prisoner, housed and held by a contractor, as provided for under this chapter, is to be released or discharged

from custody or incarceration, is released or discharged by any court order, is to be placed on probation, is paroled, or if the federal government or sending state or jurisdiction requests transfer or return of the inmate, the contractor immediately shall transfer or return the inmate to the sending jurisdiction or state which has the legal authority over the sentence or confinement status of the detainee or sentenced prisoner.

41-26-105.

The contractor shall maintain comprehensive liability insurance coverage sufficient to cover any loss to individual citizens resulting from the operation of the private prison.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.